

## Administrative Order



**Administrative Order No.:** 8-1

**Title:** Acquisition or Lease of Real Property From the Private Sector

**Ordered:** 7/10/1990

**Effective:** 7/10/1990

### **AUTHORITY:**

Section 4.02 of the Metropolitan Dade County Charter.

### **SUPERSEDES:**

This administrative order supersedes previous Administrative Order No. 8-1, dated April 1, 1970.

### **POLICY:**

The authority to acquire or lease any type of real property, including, but not limited to, land, plant installations, service facilities, and other assets of a public nature, rests solely with the Board of County Commissioners.

All contracts, leases, and agreements, except those with the Federal Government and the State of Florida, must be executed by the other party prior to submission to the Office of the County Manager.

Furthermore, it is the policy of this County when appropriate, in the lease, purchase, or construction of required space or facilities, to locate such space in an area which will enhance the economic viability of depressed areas and maximizes access to public transportation, provided, however, that said location is in the best interest of the County and the general public.

### **RESPONSIBLE DEPARTMENTS:**

#### **PUBLIC WORKS DEPARTMENT**

Except as otherwise specified by this administrative order, the Public Works Department will be responsible for processing all real estate acquisitions, and for the acquisition of all transportation related rights-of-way.

#### **DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT:**

The Department of Environmental Resources Management is responsible for the acquisition and administration of all rights-of-way related to canals.

## **DEPARTMENT OF DEVELOPMENT & FACILITIES MANAGEMENT:**

Except as otherwise specified by this Administrative Order, the Department of Development and Facilities Management (DDFM) is responsible for the negotiation of all non right-of-way property acquisition and leases and donations or dedications, for servicing said leases during the lease term, and for the maintenance of County-owned and leased real property records. Copies of all real property transactions, including covenants for property dedicated to the County, shall be submitted to the Department of Facilities Management, Real Estate Section, within one month of County Commission approval.

## **OTHER DEPARTMENTS:**

The Department of Housing and Urban Development (HUD), the Water and Sewer Authority Department (WASAD), the Aviation Department, and the Seaport Department are responsible for the acquisition and lease of all real property required by their respective departments. The internal procedures established by these departments for carrying out these objectives must comply with the policies outlined within this administrative order.

No County official or employee may obligate the County in any way in the acquisition or lease of real property. Further, County officials and employees are specifically forbidden from accepting or sharing in any commission or gratuity of any kind for County leases or property purchases. (See Administrative Order No. 7-1.)

## **AGENTS:**

In acquiring or leasing real property, the County will not be responsible for, nor will the County pay to any agent, a finder's fee or any other thing of value. All negotiations will be conducted only with the principals involved or with such duly authorized agents as may be designated in writing by the principals.

## **PROCEDURES:**

### **INITIATING ACTION:**

Except as otherwise specified by this administrative order, any department director or other official desiring the acquisition, lease, or renewal of leases of real property shall submit to DDFM (Real Estate Section) a Property Acquisition Request form, a copy of which is made a part of this order. The department shall detail all pertinent information, including, but not limited to, the following: intended use and approximate size of space required, estimated budget and source of revenue, number and classifications of occupying staff, any geographic constraints on location (with appropriate justification), special space requirements, and hours of operations.

**ASSESSMENT:**

DDFM will prepare a space requirements assessment and preliminary estimate of costs associated with the acquisition, build-out, operation, and move in for the property request.

**ENVIRONMENTAL IMPACT:**

An environmental impact assessment shall be conducted by the Department of Environmental Resources Management (DERM), prior to all land acquisitions.

**APPRAISALS:**

For property acquisitions that require appraisals, the requesting department director/official is responsible for following procedure number 615, entitled "Request for Property Appraisal", as specified in Dade County Procedures Manual in accordance with Florida Statute 125.355.

**ZONING:**

Prior to acquisition or lease, all property proposed to be used as a government facility must be approved for such use pursuant to Dade County procedures.

**APPROVAL TO NEGOTIATE:**

The Property Acquisition Request and preliminary cost estimate will then be forwarded to the director of the requesting department, to the Office of Management and Budget and the Assistant County Manager responsible for the requesting department/agencies, for their review and approval for DDFM to proceed with contract development and negotiation. The department director/official is responsible for ensuring that this review and approval is completed and returned to DDFM within approximately one month of receiving the proposal, to allow for negotiations on a timely basis.

**RISK MANAGEMENT:**

To ensure appropriate insurance coverage, HUD, WASAD, the Seaport, the Airport, the Public Works Department and DDFM will notify General Services Administration, Risk Management Division, of all intended leases and acquisition of property. In those cases wherein the leasing of real private property is contemplated, a draft lease agreement, (with the exception of preprinted form agreements which have received blanket approval) will be reviewed by the Manager of the Insurance and Risk Management Division as to form and content. The Risk Management Division shall be given an opportunity to inspect the premises prior to completion of negotiations.

## **COUNTY ATTORNEY'S OFFICE:**

The County Attorney will assign an attorney to provide legal counsel to be present as required during negotiation of contract terms and language for property leases. The County Attorney's Office must be included for leases of greater than 15,000 square feet of space and property acquisition valued at \$200,000 or more. Further, all real estate contracts shall be reviewed by the County Attorney's Office, the Department director/official, and the appropriate Assistant County Manager, within two weeks of receipt of the draft contract by the County Attorney's Office, and, in all cases, prior to execution of the contract by the landowner.

## **NEGOTIATIONS:**

The Public Works Department and/or the DDFM will advise the requesting department of all scheduled negotiations at least ten days in advance, giving said department the opportunity to be present during negotiations of contract terms and language for property leases or acquisition of real property. In all cases, DDFM or the Public Works Department will prepare a summary of all negotiations for all transactions, describing the negotiation process, any relevant issues and/or significant areas of disagreement, how these issues were resolved, and any anticipated areas of concern regarding use of the property. This summary of negotiations and the proposed agreement/lease will be forwarded to the requesting department director/official and the appropriate Assistant County Manager within two weeks of submittal of the recommended contract to the County Manager and prior to execution of the agreement by the owner. The department director/official and the Assistant County Manager will review the summary of negotiations and the proposed acquisition/lease and respond in writing to DDFM or Public Works, indicating approval or disapproval to proceed with execution of proposed acquisition or lease by the owner prior to submission to the Board of County Commissioners.

## **AGENDA:**

Upon final approval, the department responsible for acquiring and leasing real property in question will prepare an agenda package, including resolution, contract documents, and memorandum of transmittal indicating compliance with the above procedures, and submit same to the County Manager's Office.

## **COUNTY MANAGER'S OFFICE:**

The County Manager will forward the memorandum and documents to the County Attorney's Office for review, and after approval by the County Attorney's Office, shall submit the completed package to the Board of County Commissioners for acceptance. If approved by the Board of County Commissioners, all pertinent documents, along with a memorandum indicating compliance with these procedures, will be forwarded to the Office of the County Manager for signature. The fully executed documents will be returned to the Clerk of the Board for custody.

**DEEDS:**

All property deeds must be recorded in the Public Records by the Clerk of the Board. Any department accepting property deeds or other property legal instruments for the County are required to place the using department's name on the top right-hand corner of the deed and to transmit the original deed to the Clerk of the Board's office. Upon receipt of the property deed, the Clerk will send a copy to the Property Appraisers Office and to DDFM.

**PROPERTY APPRAISER'S OFFICE:**

The Property Appraiser is responsible for placing all acquired property on the Property Assessment Roll in the name of Dade County as owner, directly following the user department's name. The Property Appraiser will process the change in ownership to the Property Assessment Roll upon receiving the properly executed deed along with copies of any and all appraisals prepared in connection with all real property acquired by Dade County.

This administrative order is hereby submitted to the Board of County Commissioners of Dade County.

Joaquin G. Aviñó  
County Manager